

REMARKS

Status of the Claims

Claims 1-11 remain pending in the application, with Claims 1 and 5 being independent. Claims 1 and 5 have been amended. Support for the claim amendments is found in the original disclosure, for example at paragraphs [0038] through [0043], and therefore, no new matter has been added.

Requested Action

Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections

Claims 1-11 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 1, 2, 5, 6 and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,597,817 (Silverbrook) in view of U.S. Patent No. 7,050,607 (Li et al.). Claim 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Li et al. and further in view of U.S. Patent Publication No. 2001/0019620 (Nagai et al.). Claim 4 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li et al. in view of U.S. Patent No. 6,345,110 (Niyogi et al.).

Interview Summary

Applicant gratefully acknowledges the courtesies extended toward his representative during the telephone conversation of June 18, 2008. In the June 18, 2008 conversation, the Examiner stated that he would not allow the claims as currently drafted for the reasons given in the final Office Action dated June 13, 2008. However, the Examiner agreed to withdraw the outstanding rejections if independent Claims 1 and 5 are further amended to delete the determining means and step (to overcome a formal rejection) and to recite four angle ranges and four input values similar to the features recited in this Amendment, and if a Request for Continued Examination is filed.

Response to Rejections

In response to the outstanding rejections, while not conceding the propriety thereof, independent Claims 1 and 5 have been amended. Applicant submits that as amended, these claims now even more clearly satisfy 35 USC § 112, first paragraph (since the determining means and step have been deleted) and are unobvious under 35 USC § 103, as will be discussed below. It should be noted that the claims amendments presented here differ in a small respect from those discussed at the interview. More specifically, rather than reciting that the first range is greater than the other ranges, the claims have now been amended to recite that the second angle range is greater than the other ranges in accordance with paragraphs [0038] through [0043].

Applicant submits that the claims, as amended are allowable for the following reasons.

Claim 1 relates to an image processing apparatus comprising image input means for inputting an image that includes a person's head, photographing-position information input means for inputting photographing-position information of a camera that photographs the image, the photographing-position information being attached to the image input by the image input means, face-detection angle-range information determination means, and process control means having a mode to control the execution of the face detecting process.

Claim 1 has been amended to recite that the photographing-position information input means is able to input four values, one of which is attached to the input image. The four values are a) a first value indicating that no significant photographing-position information is inputted, b) a second value indicating that an upright posture of the image is to be recognized as an upright position of the image, c) a third value indicating that a horizontally-oriented image with the person's head at the right is to be recognized as an upright position of the image, and d) a fourth value indicating that a horizontally-oriented image with the person's head at the left is to be recognized as an upright position of the image.

Claim 1 has also been amended to recite that the face-detection angle-range information determination means determines a first angle range used in a process of detecting a face from the input image when the value attached to the input image is the first value, a second angle range used in a process of detecting a face from the input image when the value attached to the input

image is the second value, a third angle range used in a process of detecting a face from the input image when the value attached to the input image is the third value, and a fourth angle range used in a process of detecting a face from the input image when the value attached to the input image is the fourth value.

Claim 1 has also been amended to recite that the first, second, third, and fourth angle ranges are different from each other, and that the second angle range is greater than the first, third, and fourth angle ranges.

Claim 1 has further been amended to recite that the process control means has a mode to control the execution of the face detecting process on the basis of the determined angle range determined by the face-detection angle-range information determination means.

In contrast, the citations to Silverbrook and Li et al. are not understood to disclose or suggest that the photographing-position information input means is able to input four values, one of which is attached to the input image, the four values being a) a first value indicating that no significant photographing-position information is inputted, b) a second value indicating that an upright posture of the image is to be recognized as an upright position of the image, c) a third value indicating that a horizontally-oriented image with the person's head at the right is to be recognized as an upright position of the image, and d) a fourth value indicating that a horizontally-oriented image with the person's head at the left is to be recognized as an upright position of the image, or face-detection angle-range information determination means for

determining a first angle range used in a process of detecting a face from the input image when the value attached to the input image is the first value, a second angle range used in a process of detecting a face from the input image when the value attached to the input image is the second value, a third angle range used in a process of detecting a face from the input image when the value attached to the input image is the third value, and a fourth angle range used in a process of detecting a face from the input image when the value attached to the input image is the fourth value, where the first, second, third, and fourth angle ranges are different from each other, and the second angle range is greater than the first, third, and fourth angle ranges, as recited by amended Claim 1.

Since amended Claim 1 recites at least one feature not understood to be disclosed or suggested by the Silverbrook and Li et al. citations, Applicant submits that the Office has not yet satisfied its burden of proof to establish a prima facie case of obviousness against Claim 1 over these citations. And because corresponding method Claim 5 has been amended in a similar manner, it is submitted to be allowable for similar reasons. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the application is now in allowable form.
Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicant
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200